

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.105 OF 2006

Nagnath Channappa Tukshetti ...Applicant

Versus

Executive Engineer & Ors. ...Respondents

.....

Mr.Anand Kulkarni for Applicant.

Mr.A.R.Patil, A.G.P. for Respondents 1 to 3.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 26, 2006.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith by consent. Mr.Patil, A.G.P. waives notice for Respondents 1 to 3.

3. As short question is involved, Revision is taken up for final disposal forthwith, by consent.

4. By this Revision Application, order passed by the Respondent No.3 dated December 20, 2005 is challenged, whereby the Respondent No.3 rejected the application preferred by the Applicant for forwarding the reference under Section 18 of the Land Acquisition Act to the Court for its consideration on the ground that the Application was filed beyond limitation.

5. Having considered the rival submissions and the admitted position occurring from the record, it is not possible to sustain the opinion recorded by the Respondent No.3. This is so because the award in question was passed on 30th August 2000. The Applicant was served with Section 12(2) notice on 2nd May 2005. The Applicant has filed reference on 1st June 2005 which obviously is within limitation. These dates are conceded by the Respondents in their reply affidavit filed before this Court.

6. Accordingly, this Revision ought to succeed. Impugned Judgment and order is set-aside.

Instead, application preferred by the Applicant is restored to the file of the Respondent No.3 to be proceeded further in accordance with law. No order as to costs.

7. Copy of the reply affidavit be filed in the Registry.

A.M.KHANWILKAR, J.